



United States Government  
National Labor Relations Board  
Office of Inspector General

Semiannual Report  
October 1, 2021 – April 30, 2022

## EXECUTIVE SUMMARY

I hereby submit this Semiannual Report for the period October 1, 2021 – March 31, 2022. This report summarizes the major activities and accomplishments of the Office of Inspector General of the National Labor Relations Board, and its submission is in accordance with the Inspector General Act of 1978, as amended. Section 5 of the Inspector General Act requires that the National Labor Relations Board transmit this report to the appropriate committees or subcommittees of Congress within 30 days of its receipt.

In the audit program, the Office of Inspector General issued three audit reports, a memorandum identifying the Agency's top management and performance challenges, and reported to the Office of Management and Budget on the Agency's progress in implementing recommendations related to Government charge cards in accordance with the Government Charge Card Abuse Prevention Act of 2012. In the investigation program, the Office of Inspector General processed 192 contacts, initiated one investigation, and issued one report. Two matters were referred to the U.S. Department of Justice, one information was filed, and there was one conviction of a non-employee.

I appreciate the support of all Agency employees in achieving the accomplishments set forth in this report.

A handwritten signature in black ink, appearing to read "David Berry". The signature is stylized and cursive.

David Berry  
Inspector General  
April 29, 2022

**This report was produced by OIG personnel using a standard copier and supplies**

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## AGENCY PROFILE

The National Labor Relations Board (NLRB or Agency) is an independent Federal agency established in 1935 to administer the National Labor Relations Act. The National Labor Relations Act is the principal labor relations law of the United States, and its provisions generally apply to private sector enterprises engaged in, or to activities affecting, interstate commerce. NLRB jurisdiction includes the U.S. Postal Service; however, other government entities, railroads, and airlines are not within NLRB's jurisdiction.

The NLRB seeks to serve the public interest by reducing interruptions in commerce caused by industrial strife. It does this by providing orderly processes for protecting and implementing the respective rights of employees, employers, and unions in their relations with one another. The NLRB has two principal functions: (1) to protect and implement employees' free choice as to whether they wish to be represented by a union in dealing with their employers and, if so, by which union; and (2) to prevent and remedy unlawful acts, called unfair labor practices, by either employers or unions.

NLRB authority is divided by law and delegation. The five-member Board primarily acts as a quasi-judicial body in deciding cases on formal records. The General Counsel investigates and prosecutes unfair labor practices before administrative law judges, whose decisions may be appealed to the Board, and, on behalf of the Board, conducts secret ballot elections to determine whether employees wish to be represented by a union.

The Board consists of the Chairman and four Members who are appointed by the President with the advice and consent of the Senate. Board Members serve staggered terms of 5 years each. The General Counsel is also appointed by the President with the advice and consent of the Senate and serves a term of 4 years.

During this reporting period, Member Lauren McFerran continued to serve as Chairman with Members Marvin E. Kaplan, John F. Ring, Gwynne A. Wilcox and David M. Prouty. General Counsel Jennifer A. Abruzzo continued to serve in that position.

The NLRB Headquarters is located at 1015 Half Street, SE, Washington, DC. In addition to the Headquarters building, the NLRB has 48 field offices and 2 satellite offices for administrative law judges. The NLRB has designated 26 of the 48 field offices as Regional Offices.

Additional information about the NLRB can be found at [www.NLRB.gov](http://www.NLRB.gov).

## **OFFICE OF INSPECTOR GENERAL**

The NLRB established the Office of Inspector General (OIG) pursuant to the 1988 amendments to the Inspector General Act of 1978 (IG Act).

### **RESOURCES**

In addition to the Inspector General, the OIG staff positions consist of a Counsel/Assistant Inspector General for Investigations, an Assistant Inspector General for Audits, and three auditors. Additionally, the OIG staff is augmented by contract auditors. The OIG was working to fill two additional auditor positions to ensure adequate oversight of the NLRB's mission functions; however, in light of the NLRB's Fiscal Year (FY) 2022 appropriation, those efforts are on hold until FY 2023.

## AUDIT PROGRAM

The Inspector General is to provide policy direction for and is to conduct, supervise, and coordinate audits relating to program operations of the Agency. During the reporting period, we issued three audit reports, a memorandum identifying the Agency's top management and performance challenges, and reported to the Office of Management and Budget (OMB) on the Agency's progress in implementing recommendations related to Government charge cards in accordance with the Government Charge Card Abuse Prevention Act of 2012.

We issued Audit Report OIG-F-26-22-01, **Audit of the NLRB Fiscal Year 2021 Financial Statements**, on November 12, 2021. The audit, performed by an independent public accounting firm, found that the NLRB's FY 2021 Financial Statements were fairly stated. The audit process found no material weaknesses or significant deficiencies related to internal controls. The report did not make any recommendations for corrective action.

The **Management Letter**, issued as part of the financial statement audit process, contained a finding related to quality control procedures for financial reporting. The Management Letter noted the finding confirmed a lack of remediation of previous years' findings, and no additional recommendations were deemed necessary. The Management Letter also noted the prior years' recommendations that remained unimplemented. Management generally agreed with the finding.

We issued Audit Report OIG-AMR-94-22-02, **NxGen Data Accuracy**, on November 16, 2021. The objectives of the audit were to determine the accuracy of the FY 2020 NxGen case processing data and to evaluate the effectiveness of the internal controls for managing the case processing data. The scope of the audit was all NxGen case data processed during FY 2020.

We found that 12 of the 20 unfair labor practice charge case data elements and 4 of the 29 representation case data elements tested were inaccurate and unreliable in that they had an error rate that exceeded 10 percent. We also determined that the disposition date and date closed data elements were not being entered in NxGen in a timely manner. Based on this testing, we determined that 12 statistics provided in the Performance and Accountability Report were based in whole or part on NxGen data elements that were inaccurate and unreliable. We also found that the methodology used by the Agency to report its unfair labor practice charge merit statistic was misleading. Overall, we found that the Division of Operations-Management lacked a proper internal control environment for NxGen data accuracy. We note that the findings relate to the time period of the prior General Counsel's management of field case processing. We made five recommendations for corrective action.

In the Management Comments, the Division of Operations-Management stated that it concurred with the report and recommendations. The comments also noted that many of the difficulties in case documentation could be attributed to staffing deficiencies and pandemic-related telework, and the reclassification of "key desk" administrative support positions, which resulted in reallocation of the previously established duties and protocols formerly associated with these positions.

We issued Audit Report OIG-AMR-96-22-03, **Fiscal Year 2021 FISMA**, on November 22, 2021. The audit was completed to meet the FISMA annual review requirement of the Agency's information technology controls for compliance with Federal standards. The audit, performed by an independent public accounting firm, had no findings that required recommendations. In the report, the auditors stated that the NLRB made improvements as compared to the prior year's audit. The auditors reported that two functions were at the *Managed and Measurable* level and three functions were at the *Optimized* level. As a result, the overall assessment of NLRB's information security program was "effective." The report contained no recommendations.

We issued a memorandum identifying the Agency's **Top Management and Performance Challenges** on October 14, 2021. The OIG developed a list of what it considers to be the most serious management and performance challenges facing the NLRB. The challenges are:

1. Manage the Agency;
2. Manage the Agency's Financial Resources;
3. Manage the NLRB's Human Capital and Maintain the Agency's Institutional Knowledge;
4. Manage the Agency's Information Technology Security; and
5. Implement Audit Recommendations.

On January 14, 2022, we complied with the provisions of the **Government Charge Card Abuse Prevention Act of 2012** and reported to OMB the Agency's progress in implementing audit recommendations related to Government charge cards. At that time, we reported that the Agency had nine open recommendations related to the management of Government charge cards.

## INVESTIGATION PROGRAM

The Inspector General is to provide policy direction for and is to conduct, supervise, and coordinate investigations relating to the programs and operations of the Agency. During this reporting period, we processed 192 contacts, initiated one investigation, and issued one report. Two matters were referred to the U.S. Department of Justice, one information was filed, and there was one conviction of a non-employee.

Case Workload		Contacts Processed	
Open (10/1/2021)	7	Received	192
Initiated	1	Initiated Investigation	0
Closed	4	Opened Case -- Referred to Agency	0
Open (3/31/2022)	4	Non-Investigative Disposition	192

### Investigative Highlights

In a prior reporting period, we initiated an investigation involving allegations that an NLRB employee engaged in bribery, wire fraud, and conspiracy. During this reporting period, one information was filed and there was one conviction of a non-employee. (OIG-I-558)

We investigated an allegation that a non-employee was making threats to harm several NLRB employees. We substantiated the allegation and reported the matter to the appropriate U.S. Attorney's Offices. Prosecution was declined. We closed the case. (OIG-I-559)

In a prior reporting period, we reported an investigation involving an allegation that a senior Government employee participated in matters in which the employee had a financial interest in violation of 18 U.S.C. § 208 and the *Standards of Conduct for Employees of the Executive Branch*. Our investigative efforts substantiated the allegation. The appropriate U.S. Attorney's Office declined prosecution. We then issued administrative reports. The employee left Federal service prior to any administrative action. During this reporting period, we closed the case. (OIG-I-561)

We investigated an allegation that a senior Government employee participated in a matter in which the employee had a financial interest in violation of 18 U.S.C. § 208 and the *Standards of Conduct for Employees of the Executive Branch*. Our investigative efforts substantiated the allegation. The appropriate U.S. Attorney's Office declined prosecution. We issued an administrative report. The employee received training regarding financial conflicts of interests. We closed the case (OIG-I-562)

We initiated an investigation involving an allegation that a senior Government employee engaged in whistleblower retaliation. We found that the allegation was not substantiated and closed the investigation. (OIG-I-563)

## **Hotline**

Employees and members of the public with information on fraud, waste, and abuse are encouraged to contact the OIG. A log of calls to a nationwide toll-free number or the office numbers and a log of mail, email, and facsimile messages are maintained. All information received, regardless of the method used, is referred to as Hotline contacts. Hotline contacts are analyzed to determine if further inquiry or action is warranted.

During this reporting period, the OIG received 192 Hotline contacts, of which 71 were telephone calls or walk-ins and 121 were in writing.

Most Hotline contacts are from members of the public seeking help on an employment-related problem or issues outside OIG and/or Agency jurisdiction. As appropriate, the OIG refers those Hotline contacts to an NLRB Regional Office; local, state, or Federal agencies; or private resources to provide assistance.

## LEGISLATION, REGULATIONS, AND POLICY

The responsibilities and duties of an OIG include reviewing existing and proposed legislation and regulations relating to the programs and operations of its agency and making recommendations in the semiannual reports concerning the impact of such legislation or regulations on the economy and efficiency in the administration of programs and operations administered or financed by the agency or the prevention and detection of fraud and abuse in such programs and operations.

During the current Congress, 33 legislative proposals have been introduced that would amend the National Labor Relations Act or otherwise impact the programs and operations of the Agency:

H.R. 156	Blue Collar to Green Collar Jobs Development Act of 2021;
H.R. 308	SAFE Workers Act or Secure and Fair Elections for Workers Act;
H.R. 842	Protecting the Right to Organize Act of 2021;
H.R. 1177 & S. 348	U.S. Citizenship Act;
H.R. 1275 & S. 406	National Right-to-Work Act;
H.R. 2063 & S. 882	Protecting American Jobs Act;
H.R. 2644	Green New Deals for Cities Act of 2021;
H.R. 2670 & S. 1244	The Civilian Climate Corps for Jobs and Justice Act;
H.R. 3185 & S. 1636	Save Local Business Act;
H.R. 3358	Protecting Striking Workers Act;
H.R. 3895 & S. 1929	College Athlete Right to Organize Act;
H.R. 4109 & S. 2193	Protections for Socially Good Activities Act;
H.R. 4839 & S. 2867	Tribal Labor Sovereignty Act of 2021;
H.R. 4841	Restoring Justice for Workers Act;
H.R. 5178	Truth in Employment Act of 2021;
H.R. 5376	Build Back Better Act;
H.R. 5886	Safeguarding the Supply Chain Act;
H.R. 5994 & S. 3219	BE HEARD in the Workplace Act;
H.R. 6478 S. 3208	Supply Chain Resiliency Act;
S. 420	Protecting the Right to Organize Act of 2021;
S. 3454	Tribal Labor Sovereignty Act of 2022;
S. 3464	National Right-to-Work Act; and
S. 3465	Save Local Business Act.

## **LIAISON ACTIVITIES**

The Inspector General is to recommend policies for, and is to conduct, supervise, or coordinate relationships between the Agency and other Federal agencies, state and local governmental agencies, and non-governmental entities. The Inspector General is to give particular regard to the activities of the Comptroller General of the United States. Similarly, we encourage OIG staff members to participate in Agency programs and activities.

### **Inspector General Community**

The Inspector General is a member of the Council of the Inspectors General on Integrity and Efficiency (CIGIE). This organization consists of Inspectors General at the Federal Government's departments and agencies.

The Assistant Inspector General for Audits, or designated auditors, participated in the Federal Audit Executive Council, Financial Statement Audit Network, and the Interagency Fraud and Risk Data Mining Group. The Counsel to the Inspector General participates in the Council of Counsels to Inspectors General.

### **U.S. Government Accountability Office**

The IG Act states that each Inspector General shall give particular regard to the activities of the Comptroller General of the United States, as head of the U.S. Government Accountability Office (GAO), with a view toward avoiding duplication and ensuring effective coordination and cooperation. During this reporting period, there were no matters that required coordination with GAO.

## INFORMATION REQUIRED BY THE ACT

Certain information and statistics based on the activities accomplished during this period are required by section 5(a) of the IG Act to be included in the semiannual report. These are set forth below:

(1), (2), (7) Other than as reported in the Reports to Congress, Audit Program, and Investigation Program sections, the OIG did not identify significant problems, abuses or deficiencies relating to the administration of programs. For the purpose of this section, we used the definition of significant as set forth in the Federal Managers' Financial Integrity Act.

(3) There remain 19 unimplemented recommendations noted in previous semiannual reports. (See also 10(C) )

(4) Two matters were referred to the U.S. Department of Justice (DOJ).

(5) No reports were made to the Board that information or assistance requested by the Inspector General was unreasonably refused or not provided.

(6) The following audit, inspection, and evaluation reports were issued during the reporting period:

Subject Matter and Title	Questioned Costs	Unsupported Costs	Funds To Be Put To Better Use
Mission Support NLRB Fiscal Year 2020 Financial Statements OIG-F-26-22-01	0	0	0
Casehandling NxGen Data Accuracy OIG-AMR-94-22-02	0	0	0
Mission Support Fiscal Year 2021 FISMA OIG-AMR-96-22-03	0	0	0

(8) Statistical Table of Reports with Questioned Costs:

	Number of Reports	Questioned Costs	Unsupported Costs
A. For which no management decision has been made by the commencement of the period	0	0	0
B. Which were issued during the reporting period	0	0	0
Subtotals (A+B)	0	0	0
C. For which a management decision was made during the reporting period	0	0	0
(i) Dollar value of disallowed costs	0	0	0
(ii) Dollar value of costs not disallowed	0	0	0
D. For which no management decision has been made by the end of the reporting period	0	0	0
Reports for which no management decision was made within six months of issuance	0	0	0

(9) Statistical Table of Recommendations that Funds be Put to Better Use:

	<b>Number of Reports</b>	<b>Funds Be Put To Better Use</b>
A. For which no management decision has been made by the commencement of the period	0	0
B. Which were issued during the reporting period	0	0
Subtotals (A+B)	0	0
C. For which a management decision was made during the reporting period	0	0
(i) Dollar value of recommendations that were agreed to by management	0	0
(ii) Dollar value of recommendations that were not agreed to by management	0	0
D. For which no management decision has been made by the end of the reporting period	0	0
Reports for which no management decision was made within six months of issuance	0	0

(10) For each audit, inspection, or evaluation issued before the commencement of the reporting period:

- (A) There were no reports for which no management decision had been made by the end of the reporting period;
- (B) There were no reports for which no establishment comment was returned within 60 days of providing the report to the establishment; and
- (C) The following are the outstanding unimplemented recommendations:

<b>Audit No.</b>	<b>Audit Summary and Link</b>	<b>Issued</b>	<b>Management Decision</b>	<b>Rec #</b>	<b>Recommendation with any Aggregate Cost Saving Noted</b>
<b>FY 2015</b>					
OIG-F-19-15-01	Audit of the NLRB Fiscal Year 2014 Financial Statements	12/12/2014	12/12/2014	2	Establish, document, and implement policies to ensure accruals are recorded when goods and/or services are received throughout the fiscal year, at least on a quarterly basis, rather than at only year-end. Accruals recorded should be clearly documented with detailed methodologies to support the amounts recorded. The accrual methodologies should be reviewed and approved by appropriate program office personnel, with quality control review procedures and approvals performed and documented by Finance personnel.

OIG-F-19-15-01	Audit of the NLRB Fiscal Year 2014 Financial Statements	12/12/2014	12/12/2014	17	Establish and implement procedures for periodic review of all active cardholders to determine whether each cardholder has a need for the purchase/travel card, and whether all applicable documentation, including completion of initial and refresher trainings, is maintained.
<b>FY 2016</b>					
OIG-AMR-77-16-02	Training and Conferences	9/27/2016	9/27/2016	5	We recommend that OED require continuing service agreements for all employees taking training.
OIG-AMR-77-16-02	Training and Conferences	9/27/2016	9/27/2016	7	We recommend that the Division of Administration develop and implement a Management Succession Plan.
OIG-AMR-77-16-02	Training and Conferences	9/27/2016	9/27/2016	11	We recommend that the OCFO develop and implement policies and procedures for the travel of employees in a local commuting area.
<b>FY 2018</b>					
OIG-AMR-80-18-02	Purchase Cards	8/16/2018	8/16/2018	1	Revise the Management Plan to address the noted deficiencies.
OIG-AMR-80-18-02	Purchase Cards	8/16/2018	8/16/2018	2	Establish procedures to ensure that the master files meet all of the legal and regulatory requirements.
OIG-AMR-80-18-02	Purchase Cards	8/16/2018	8/16/2018	3	Coordinate with OED to ensure that the Agency's purchase card training meets all of OMB's requirements.
OIG-AMR-80-18-02	Purchase Cards	8/16/2018	8/16/2018	4	Develop and implement controls to ensure that all participants in the purchase card program meet the training requirements.
OIG-AMR-80-18-02	Purchase Cards	8/16/2018	8/16/2018	5	Develop and implement processes and procedures to ensure that reconciled statements are accurate and complete.
OIG-AMR-80-18-02	Purchase Cards	8/16/2018	8/16/2018	6	Develop and implement processes and procedures regarding the content of pre-approvals.
OIG-AMR-80-18-02	Purchase Cards	8/16/2018	8/16/2018	7	Develop and implement processes and procedures to ensure that purchase cards are cancelled when cardholders separate from the Agency.
OIG-AMR-80-18-02	Purchase Cards	8/16/2018	8/16/2018	8	Develop procedures to ensure that purchase cardholders and approving officials follow existing Agency policies and procedures regarding the type of supporting documentation that is

					acceptable for statement reconciliations.
<b>FY 2020</b>					
OIG-AMR-88-20-03	Backpay Accounting	12/10/2019	12/10/2019	2	We recommend that the OCFO review all the backpay cases with funds in the deposit account and disburse any funds that are being held as either being unclaimed or a fine should be remitted to the U.S. Treasury as appropriate.
OIG-AMR-88-20-03	Backpay Accounting	12/10/2019	12/10/2019	3	We recommend that the Finance Branch reconcile the backpay cases with recurring journal voucher entries and take appropriate action to correct the accounting errors.
OIG-AMR-88-20-03	Backpay Accounting	12/10/2019	12/10/2019	5	We recommend that the Finance Branch reconstruct the three backpay files with appropriate documentation of the receipt and disbursements of backpay funds and then reconcile the cases.
OIG-AMR-91-20-04	Budget Execution	9/16/2020	9/16/2020	2	Establish and implement an IPT internal control process for capital projects that meets the criteria established by OMB Circular A-11.
<b>FY 2021</b>					
OIG-AMR-95-21-03	DATA Act	8/30/3021	8/30/3021		Develop and implement internal controls to ensure that: a. Procurement data in the financial system is recorded in an accurate and timely manner; b. Procurement actions are reported into FPDS-NG within the time requirement set out in the FAR; and c. There is a documented process of procurement data quality control that enables the SAO to reasonably provide assurances of validity, reliability, and completeness of the DATA Act submission. The process should include adequate segregation of duties and address the errors in the crosswarning report.
OIG-AMR-95-21-03	DATA Act	8/30/3021	8/30/3021		Resolve the discrepancies in the Program Activity Codes between the financial system, OMB's MAX Collect Repository, and the President's Budget Program and Financing Schedule.

(11) No significant revised management decisions were made during the reporting period.

(12) There were no significant management decisions with which I am in disagreement.

(13) There is no information to report under the requirements of section 05(b) of the Federal Financial Management Improvement Act of 1996.

(14) (15) A peer review of the audit program was conducted by the Office of Inspector General, National Credit Union Administration. The peer review report was issued on November 17, 2020. A copy of the peer review report is attached as an appendix. There were no recommendations. The OIG's investigative program is not subject to the peer review requirement.

(16) The OIG did not conduct any peer reviews during the reporting period.

(17) Statistical Table of the information related to investigative activity:

Investigative Reports Issued	Number of Persons Referred to DOJ	Number of Persons Referred to State or Local Prosecutors	Total Number of Indictments and Criminal Informations
1	2	0	1

(18) Description of the metrics used for developing investigative statistical data: The OIG considers a report issued when it transmits the report to an NLRB management official. It is the OIG's practice to contact DOJ's Public Integrity Section or the appropriate U.S. Attorney's office when the OIG determines that there is reasonable cause to believe that a person violated a Federal criminal statute. The OIG does not consider coordination of its investigative activity with the FBI as a referral to the DOJ. Because of the nature of the NLRB's mission, the factual basis for a referral to a state or local prosecutor rarely occurs. Referrals, indictments, and criminal informations are reported for the period in which they occurred.

(19) There were three investigations conducted that involved a senior Government employee (GS 15 or above) where an allegation of misconduct was substantiated. We also assisted the National Mediation Board (NMB) in the investigation of a senior Government employee. The OIG considers an allegation substantiated when a determination is made that there is a preponderance of evidence that the employee engaged in misconduct and issues an investigative report.

<b>Facts and Circumstances of the Investigation.</b> <b>OIG-I-557</b>	We investigated allegations that a senior Government employee failed to follow Agency regulations and procedures and then lacked candor regarding the matter.
<b>Status and Disposition of the Matter</b>	We issued an administrative report, dated November 4, 2020, substantiating the allegations. On September 7, 2021, we issued a supplemental report. Agency officials are reviewing the reports and determining what, if any, disciplinary or other remedial action is appropriate.

<b>Facts and Circumstances of the Investigation.</b> <b>OIG-I-560</b>	We investigated allegations that a senior Government employee engaged in improper <i>ex parte</i> communications, engaged in conduct that was inconsistent with his duties, violated the <i>Standards of Conduct for Employees of the Executive Branch</i> by misusing Government property, and engaged in other conduct that called into question his integrity.
<b>Status and Disposition of the Matter</b>	We issued an administrative report, dated September 15, 2021, substantiating the allegations. Agency officials are reviewing the reports and determining what, if any, disciplinary or other remedial action is appropriate.

<b>Facts and Circumstances of the Investigation.</b> <b>OIG-I-562</b>	We investigated an allegation that a senior Government employee participated in matters in which the employee had a financial interest in violation of 18 U.S.C. § 208 and the <i>Standards of Conduct for Employees of the Executive Branch</i> .
<b>Status and Disposition of the Matter</b>	On July 16, 2021, the matter was referred to the Department of Justice. On July 22, 2021, prosecution was declined. On October 10, 2021, additional information was referred to the Department of Justice and prosecution was again declined. We issued an administrative report, dated October 15, 2021, substantiating the allegation. The employee received training regarding financial conflicts of interest.

<b>Facts and Circumstances of the Investigation.</b> <b>19-SEC-0022-1</b>	We provide limited OIG services to the NMB. For the NMB, we coordinated with the SEC OIG for an investigation of an NMB senior Government employee. The allegations were that the senior Government employee engaged in improper conduct by submitting false time and attendance documents, resulting in pay and compensatory time for periods that the employee was engaged in outside employment and the over-accrual of restored leave.
<b>Status and Disposition of the Matter</b>	The matter was referred to the Department of Justice. Prosecution was declined. The SEC OIG issued an administrative report, dated July 12, 2021, substantiating the allegations. NMB officials are reviewing the reports and determining what, if any, disciplinary or other remedial action is appropriate.

(20) On August 9, 2021, the OIG initiated an investigation of allegations involving whistleblower retaliation. During this reporting period, the allegation was found to be unsubstantiated. On December 14, 2021, the OIG issued a memorandum to the Agency Head documenting that determination.

(21) There were no attempts by the establishment to interfere with the independence of the OIG that involved budget constraints designed to limit the capabilities of the OIG or incidents where when it was apparent that the establishment resisted or objected to the OIG's oversight activities or restricted or significantly delayed access to information.

(22) Disclosure of closed items:

(A) During the reporting period, the OIG did not close any inspections, evaluations, or audits that were not disclosed to the public: and

(B) All investigations that were closed during the reporting period are reported in the Investigation section of this report.

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## **APPENDIX – NLRB OIG Peer Review Report**



Office of Inspector General

**System Review Report**

November 17, 2020

To David Berry, Inspector General  
National Labor Relations Board

We have reviewed the system of quality control for the National Labor Relations Board (NLRB) Office of Inspector General (OIG) in effect for the year ended September 30, 2020. A system of quality control encompasses NLRB OIG's organizational structure and the policies adopted and procedures established to provide it with reasonable assurance of conforming in all material respects with *Government Auditing Standards* and applicable legal and regulatory requirements. The elements of quality control are described in *Government Auditing Standards*. NLRB OIG is responsible for establishing and maintaining a system of quality control designed to provide NLRB OIG with reasonable assurance that the organization and its personnel comply in all material respects with professional standards and applicable legal and regulatory requirements. Our responsibility is to express an opinion on the design of the system of quality control and NLRB OIG's compliance based on our review.

In our opinion, the system of quality control for the audit organization of NLRB OIG in effect for the year ended September 30, 2020, has been suitably designed and complied with to provide NLRB OIG with reasonable assurance of performing and reporting in conformity with applicable professional standards and applicable legal and regulatory requirements in all material respects. Audit organizations can receive a rating of *pass*, *pass with deficiencies*, or *fail*. NLRB OIG has received an External Peer Review rating of *pass*.

Our review was conducted in accordance with *Government Auditing Standards* and the CIGIE *Guide for Conducting Peer Reviews of Audit Organizations of Federal Offices of Inspector General*. During our review, we obtained an understanding of the nature of the NLRB OIG audit organization, and the design of NLRB OIG's system of quality control sufficient to assess the risks implicit in its audit function. Based on our assessments, we selected GAGAS engagements and administrative files to test for conformity with professional standards and compliance with NLRB OIG's system of quality control. The GAGAS engagements selected represented a reasonable cross-section of the NLRB OIG audit organization, with an emphasis on higher-risk engagements. Prior to concluding the peer review, we reassessed the adequacy of the scope of the peer review procedures and met with NLRB OIG management to discuss the results of our review. We believe that the procedures we performed provide a reasonable basis for our opinion.

In performing our review, we obtained an understanding of the system of quality control for the NLRB OIG audit organization. In addition, we tested compliance with NLRB OIG's quality control policies and procedures to the extent we considered appropriate. These tests covered the application of NLRB OIG's policies and procedures on selected GAGAS

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engagements. Our review was based on selected tests; therefore, it would not necessarily detect all weaknesses in the system of quality control or all instances of noncompliance with it.

There are inherent limitations in the effectiveness of any system of quality control; therefore, noncompliance with the system of quality control may occur and may not be detected. Projection of any evaluation of a system of quality control to future periods is subject to the risk that the system of quality control may become inadequate because of changes in conditions, or because the degree of compliance with the policies or procedures may deteriorate.

Enclosure 1 to this report identifies the NLRB OIG engagements we reviewed.

In addition to reviewing its system of quality control to ensure adherence with *Government Auditing Standards*, we applied certain limited procedures in accordance with guidance established by the Council of the Inspectors General on Integrity and Efficiency (CIGIE) related to NLRB OIG's monitoring of engagements conducted in accordance with generally accepted government auditing standards (GAGAS engagements) by Independent Public Accountants (IPAs) under contract where the IPA served as the auditor. It should be noted that monitoring of GAGAS engagements performed by IPAs is not an audit and, therefore, is not subject to the requirements of *Government Auditing Standards*. The purpose of our limited procedures was to determine whether NLRB OIG had controls to ensure IPAs performed contracted work in accordance with professional standards. However, our objective was not to express an opinion; accordingly, we do not express an opinion on NLRB OIG's monitoring of work performed by IPAs.

Enclosure 2 to this report is NLRB OIG's response to our review.

/s/

James Hagen, Inspector General

Enclosures

### **Scope and Methodology**

We tested compliance with NLRB OIG audit organization's system of quality control to the extent we considered appropriate. These tests included a review of 3 of 14 engagements reports issued from October 1, 2017 through September 30, 2020. We also reviewed the internal quality control reviews performed by NLRB OIG.

In addition, we reviewed NLRB OIG's monitoring of GAGAS engagements performed by IPAs where the IPA served as the auditor from October 1, 2017, through September 30, 2020. During the period, NLRB OIG contracted for five audits that were to be performed in accordance with *Government Auditing Standards*.

#### **Reviewed Audit Engagements Performed by the NLRB OIG:**

<u>Report No.</u>	<u>Report Date</u>	<u>Report Title</u>
OIG-AMR-88-20-03	12/10/2019	Backpay Accounting
OIG-AMR-91-20-04	09/16/2020	Fiscal Year 2019 Budget Execution

#### **Reviewed Monitoring Files of the NLRB OIG for Contracted Engagements:**

<u>Report No.</u>	<u>Report Date</u>	<u>Report Title</u>
OIG-F-24-20-01	11/15/2019	Fiscal Year 2019 Financial Statements



**United States Government**  
**NATIONAL LABOR RELATIONS BOARD**  
**OFFICE OF INSPECTOR GENERAL**  
Washington, DC 20570-0001

November 16, 2020

James W. Hagen  
Inspector General  
National Credit Union Administration  
1775 Duke Street  
Alexandria, VA 22314-3428

Dear Mr. Hagen:

Thank you for the opportunity to comment on the Draft System Review Report, dated November 16, 2020, on the National Labor Relations Board's Office of Inspector General's audit organization for the period ended September 30, 2020. We are pleased that your independent review of our audit organization resulted in a rating of *pass* and concluded that our system of quality control was suitably designed and complied with to provide reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects.

We appreciate the efforts of your office in conducting this review.

Sincerely,

A handwritten signature in black ink, appearing to read "David Berry".

David Berry  
Inspector General

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